



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 20, 1998

Mr. Richard Brown
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR98-2789

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119748.

The Dallas Police Department (the "Department") received a request for a copy of all the vehicle impound tickets for the vehicles impounded in the City of Dallas Auto Pound for a specific day. You claim that the requested information is excepted from disclosure under section 552.130 of the Government Code and Chapter 730 of the Transportation Code. We have considered the exception you claim and reviewed the submitted information.

You received a request for information under the Open Records Act on August 12, 1998. You requested a decision from this office on August 28, 1998. Consequently, you failed to request a decision within the 10 days required by section 552.301(a) of the Government Code.

Sections 552.301 and 552.302 require a governmental body to release requested information or to request a decision from the attorney general within 10 days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within 10 days of receiving a request for information, the information at issue is presumed public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See id.* Since you assert that the requested information is made confidential by statute, we will examine whether the information at issue is public and must be disclosed.

You argue that the release of the requested information is governed by chapter 730 of the Transportation Code. The Department is not an agency as defined by section 730.003 (a) of the Transportation Code and chapter 730 does not apply to it.

Section 552.130 of the Government Code reads in pertinent part as follows:

(a) Information is excepted from [required public disclosure] if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;

(2) a motor vehicle title or registration issued by an agency of this state;

...

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

Section 730.007 of the Transportation Code permits disclosure of motor vehicle records in certain situations not applicable here. Thus, we conclude that the department must withhold drivers' license numbers, vehicle identification numbers, and license plate numbers based on section 552.130(a).

You have not shown compelling reasons why the remaining information on the vehicle impound tickets concerning the vehicles impounded by the City should not be released. The information is presumed to be public and must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS/nc

Ref.: ID# 119748

Enclosures: Submitted documents

cc: Mr. Gerenimo Santos
P.O. Box 4426
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(w/o enclosures)